

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ALEXIS HOLYWEEK SAREI; PAUL E. NERAU; THOMAS TAMUASI; PHILLIP MIRIORI; GREGORY KOPA; METHODIUS NESIKO; ALOYSIUS MOSES; RAPHEAL NINIKU; GABRIEL TAREASI; LINUS TAKINU; LEO WUIS; MICHAEL AKOPE; BENEDICT PISI; THOMAS KOBUKO; JOHN TAMUASI; NORMAN MOUVO; JOHN OSANI; BEN KORUS; NAMIRA KAWONA; JOANNE BOSCO; JOHN PIGOLO; MAGDALENE PIGOLO, individually and on behalf of themselves and all others similarly situated,

Plaintiffs-Appellants,

v.

RIO TINTO, PLC; RIO TINTO LIMITED,

Defendants-Appellees.

No. 02-56256

D.C. No.
2:00-cv-11695-
MMM-MAN

Central District
of California,
Los Angeles

ALEXIS HOLYWEEK SAREI; PAUL E. NERAU; THOMAS TAMUASI; PHILLIP MIRIORI; GREGORY KOPA; METHODIUS NESIKO; ALOYSIUS MOSES; RAPHEAL NINIKU; GABRIEL TAREASI; LINUS TAKINU; LEO WUIS; MICHAEL AKOPE; BENEDICT PISI; THOMAS KOBUKO; JOHN TAMUASI; NORMAN MOUVO; JOHN OSANI; BEN KORUS; NAMIRA KAWONA; JOANNE BOSCO; JOHN PIGOLO; MAGDALENE PIGOLO, individually and on behalf of themselves and all others similarly situated,

Plaintiffs-Appellees,

v.

RIO TINTO, PLC; RIO TINTO LIMITED,

Defendants-Appellants.

No. 02-56390

D.C. No.
2:00-cv-11695-
MMM-MAN

Central District
of California,
Los Angeles

SAREI V. RIO TINTO, PLC

3

ALEXIS HOLYWEEK SAREI; PAUL E. NERAU; THOMAS TAMUASI; PHILLIP MIRIORI; GREGORY KOPA; METHODIUS NESIKO; ALOYSIUS MOSES; RAPHEAL NINIKU; GARBIEL TAREASI; LINUS TAKINU; LEO WUIS; MICHAEL AKOPE; BENEDICT PISI; THOMAS KOBUKO; JOHN TAMUASI; NORMAN MOUVO; JOHN OSANI; BEN KORUS; NAMIRA KAWONA; JOANNE BOSCO; JOHN PIGOLO; MAGDALENE PIGOLO, individually on behalf of themselves & all others similarly situated,

Plaintiffs-Appellees,

v.

RIO TINTO, PLC; RIO TINTO LIMITED,

Defendants-Appellants,

and

UNITED STATES OF AMERICA,

Movant.

No. 09-56381

D.C. No.
2:00-cv-11695-
MMM-MAN

Central District
of California,
Los Angeles

ORDER

On Remand From The United States Supreme Court

Filed June 28, 2013

Before: Mary M. Schroeder, Harry Pregerson, Stephen Reinhardt, Andrew J. Kleinfeld, Barry G. Silverman, M. Margaret McKeown, Marsha S. Berzon, Johnnie B. Rawlinson, Consuelo M. Callahan, Carlos T. Bea, and Sandra S. Ikuta, Circuit Judges.

ORDER

This case is before us after the Supreme Court's order of April 22, 2013, vacating and remanding on the basis of *Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659 (2013). The parties have submitted supplemental briefs on the effect of that decision.

Upon due consideration, a majority of the en banc court has voted to affirm the district court's judgment of dismissal with prejudice. The judgment of the district court is **AFFIRMED**.